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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/762,480	01/23/2004	Naohiko Otake	247954US6	4939

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EXAMINER

AMADIZ, RODNEY

ART UNIT PAPER NUMBER

2629

DATE MAILED: 09/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/762,480

Applicant(s)

OTAKE ET AL.

Examiner

Rodney Amadiz

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                                        |                                                                                         |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                            | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

## DETAILED ACTION

### *Specification*

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fleck et al. (6,977,811) in view of Dow et al. (U.S. Patent 7,038,717).

As to **Claim 1**, Fleck et al. teaches an information processing apparatus comprising: a display (***Fig. 1, Reference Number 108***); a common button functioning as an activation button for activating a predetermined program (***Fig. 3 and Col. 6, lines 18-24***); and at least one cursor (***Fig. 3, Reference Numbers 302, 304, 306 and 308***), the cursor key being arranged adjacent to the common key (***Fig. 3, note position of cursor keys relative to hot keys***).

Fleck et al. fails to teach the common button functioning also as a determination button for determining an item selected from options appearing on the display while the predetermined program is activated as well as the cursor key selecting an item from the options appearing on the display. Examiner cites Dow et al. to teach a common button

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for determining an item selected from options appearing on the display while the predetermined program is activated (**Fig. 1A, Reference Numbers 26, 34, 36 or 38 and Col.3, lines 37-45 and Col. 9, lines 27-40**). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to incorporate button reuse as taught by Dow et al. in the information processing apparatus taught by Fleck et al. so that the apparatus may be faster and more convenient to use due to the lack of an enter button (**Dow et al.—Col. 9, lines 35-37**).

Examiner also cites Dow et al. to teach the cursor key selecting an item from the options appearing on the display (**Dow et al.—Col. 9, lines 27-29**). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the cursor keys to select an item from options appearing on the display as taught by Dow et al. in the information processing apparatus taught by Fleck et al. so that a user may easily steer a course through items on a display (**Dow et al.—Col. 5, lines 54-59**).

As to **Claim 2**, Fleck et al., as modified by Dow et al., teaches a pointing device for moving a pointer appearing on the display in a desired direction, the pointing device being arranged adjacent to the common button (**Dow et al.—Fig. 3, Reference Number 300--note position of pointing device relative to hot keys and Col. 4, lines 42-45 and 50**).

As to **Claim 3**, Fleck et al., as modified by Dow et al., teaches the at least one cursor key comprises a plurality of cursor keys (**Fleck et al.—Fig. 3, Reference Numbers 302, 304, 306 and 308**) arranged around the perimeter of the pointing device

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and the common key is arranged outside the perimeter of the plurality of cursor keys  
***(Fleck et al.—Fig. 3, note position of cursor keys, pointing device and common key).***

### ***Inquiries***

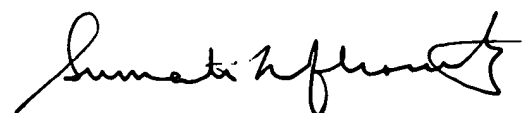
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rodney Amadiz whose telephone number is (571) 272-7762. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sumati Lefkowitz can be reached on (571) 272-3638. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

*R.A.*

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8/31/06  
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SUPERVISORY PATENT EXAMINER**